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11 ALPHAMED PHARMACEUTICALS CORP.

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA

14 On Appeal from the United States Bankruptcy Court
15 for the Northern District of California
16 Hon. Edward D. Jellen

17 ALPHAMED PHARMACEUTICALS
18 CORP.,

19 Claimant-Appellant,

20 v.

21 ARRIVA PHARMACEUTICALS, INC.,

22 Debtor-Appellee.

Case No. 08-01279-SI

23 **STIPULATION AND [PROPOSED]**
24 **ORDER TO ENLARGE TIME;**
25 **DECLARATION OF DANIEL T. BALMAT**

26 [F.R.B.P. 8011(a); Bankruptcy Local Rule
27 9006-1]

28 Hearing Date: May 23, 2008
Time: 9:00 a.m.

STIPULATION TO ENLARGE TIME

WHEREAS on April 16, 2008 Appellee Arriva Pharmaceuticals, Inc. ("Arriva") filed its Motion to Dismiss as Moot the above-captioned appeal (the "Motion"); and

WHEREAS, pursuant to F.R.B.P. 8011(a) and 9006(a), Appellant AlphaMed Pharmaceuticals Corp.'s ("AlphaMed") response to the Motion is due April 25, 2008; and

WHEREAS, for the reasons set forth in the Declaration of Daniel T. Balmat, below, good cause exists for an extension of the time in which AlphaMed may respond to the Motion.

THE PARTIES HEREBY STIPULATE that the time for AlphaMed to respond to the Motion is extended from April 25, 2008 to and including May 2, 2008.

IT IS FURTHER STIPULATED that any reply in support of the Motion shall be due on or before May 9, 2008.

CONSENTED AND AGREED TO BY:

Dated: April 21, 2008

Squire, Sanders & Dempsey L.L.P.

By: 

Daniel T. Balmat

Attorneys AlphaMed Pharmaceuticals Corp.

Dated: April 21, 2008

Sheppard, Mullin, Richter & Hampton

By: 

Timothy C. Perry

Attorneys for Arriva Pharmaceuticals, Inc.

IT IS SO ORDERED.

DATED: _____



HON. SUSAN ILLSTON

DECLARATION OF DANIEL T. BALMAT

I, DANIEL T. BALMAT, declare as follows:

The following facts are within my personal knowledge and, if called as a witness, I could and would competently testify thereto.

1. I am an attorney at law duly licensed to practice by the State of California. I am an associate with the law firm Squire, Sanders & Dempsey L.L.P. ("SSD"), counsel for AlphaMed Pharmaceuticals Corp. ("AlphaMed"). Except where indicated, I have personal knowledge of each and every fact set forth herein and, if called on as a witness, could and would competently testify thereto.

2. On April 16, 2008 Appellee Arriva Pharmaceuticals Corp. ("Arriva") filed its Motion to Dismiss as Moot the Appeal of AlphaMed Pharmaceuticals Corp. of the Plan Confirmation Order (the "Motion").

3. Pursuant to Bankruptcy Rules of Procedure 8011(a) and 9006(a) AlphaMed's response to the Motion currently is due on April 25, 2008

4. The Motion advances numerous complex legal arguments. In addition, the declarations submitted by Arriva in support of the Motion attach nearly five hundred pages of exhibits. Alphamed will need sufficient time to properly and comprehensively analyze and respond to these arguments and evidence. The current briefing schedule does not afford Alphamed this time. If granted the Motion will summarily dispose of Alphamed's appeal, and Alphamed thus faces significant prejudice if the requested enlargement is not granted.

5. No previous time modifications related to the Motion have been requested.

6. As no briefing schedule has issued, the requested time modification will have no effect on the case schedule.

7. As set forth above, counsel for Arriva has stipulated to the proposed enlargement of time and requested briefing schedule.

1 I declare under penalty of perjury under the laws of the United States of America that the
2 foregoing is true and correct. Executed on April 21, 2008 at San Francisco, California.

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DANIEL T. BALMAT

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CERTIFICATE OF SERVICE

(Pursuant to Federal Law)

The undersigned certifies and declares as follows:

I am a resident of the State of California and over 18 years of age and am not a party to this action. My business address is One Maritime Plaza, Suite 300, San Francisco, California, 94111, which is located in the country where any non-personal service described below took place.

On April 21, 2008, a copy of the following document(s):

**STIPULATION AND [PROPOSED] ORDER TO ENLARGE
TIME; DECLARATION OF DANIEL T. BALMAT**

was served on:

SEE ATTACHED SERVICE LIST

Service was accomplished as follows:

☒ **By U.S. Mail.** I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice the mail would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at San Francisco, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal collection date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. Executed on April 21, 2008, at San Francisco, California.

By: /s/ Sarah Lansang David
Sarah Lansang David

SERVICE LIST

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